

**FREEDOM OF INFORMATION COMMISSION STATEMENT ON  
RAISED BILL 273, AN ACT CONCERNING THE NONDISCLOSURE OF  
THE RESIDENTIAL ADDRESS OF SWORN MEMBERS OF A  
LAW ENFORCEMENT UNIT.**

**March 10, 2014**

Raised Bill 273 provides that the residential address of a sworn member of a "law enforcement unit, as defined in section 7-294a" should be exempt from disclosure under Conn. Gen. Stat. §1-217 of the Freedom of Information ("FOI") Act. The FOI Commission objects to inclusion of additional employees to the list set forth in §1-217 because: it is unclear precisely to whom the exemption would apply; it is unknown whether such employees are any more "at risk" than other public employees; and the proposal would provide very little protection to those employees.

The proposal, as written, appears to be wide-ranging regarding its application. Currently, Conn. Gen. Stat. §1-217(a)(2) exempts from disclosure the residential address of a "sworn member of a municipal police department, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a sworn law enforcement officer within the Department of Environmental Protection." The proposal would expand the category to include a sworn member of:

any agency, organ or department of this state or a subdivision or municipality thereof, or, if created and governed by a memorandum of agreement under section 2 of this act, of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut, whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection or investigation of crime.

See Conn. Gen. Stat. §7-294a. It is unclear who is covered by this proposal. For example, is the intention to cover all individuals who perform police functions (e.g., carry firearms and exercise arrest powers)? Or, does it cast a much wider net? For example, is the intent to cover such individuals as Department of Motor Vehicle inspectors or members of the Liquor Control Commission, among others?

Further, Conn. Gen. Stat. §1-217 was originally enacted to provide some protection to a limited group of employees, who were identified as "at risk" because of the nature of the work they perform. Over many years, that list has been expanded to other categories of employees. For inclusion in the limited protections afforded by §1-217, a showing ought to be required in terms of whether all of the subject employees are "at risk." Otherwise, an argument can be made that all public employees should be afforded §1-217 protection.

In addition, adding a new class of public employees to the list in Conn. Gen. Stat. §1-217 would not be a blanket panacea. In March 2012, the General Assembly limited §1-217 (Public Act 12-3), in recognition of the reality that a complete prohibition on disclosure of certain residential addresses is unworkable, impossible and ignores the public policy behind certain other statutes that require the disclosure of residential addresses. Thus, under §1-217, land records (Gen. Stat. §7-35bb), voter lists (Title 9), and grand lists (Gen. Stat. §12-55) are no longer subject to the nondisclosure requirements of §1-217. (Gen. Stat. §1-217(d)).

Conn. Gen. Stat. §1-217 is now quite limited in scope. It prohibits employers of protected public employees from disclosing the employees' residential addresses contained in their personnel files. With respect to public agencies (that are not the employer), disclosure is only prohibited in limited circumstances where (1) a request "specifically names" a protected person who has requested confidentiality; (2) the address can be redacted by a "reasonable effort" from a searchable electronic database; or (3) the agency has voluntarily created a record in response to an FOI request. (Conn. Gen. Stat. §1-217(c)(1) and (2)). Under these circumstances, individuals in the categories named in §1-217 must take affirmative steps to keep confidential their residential addresses.

Thus, §1-217 does not provide a blanket ban on disclosure of residential addresses and inclusion under it should not be viewed as a cure for safety and privacy concerns.

For the reasons stated above, the FOIC urges the rejection of this proposal, unless it can be clarified as to whom it applies and as to whether such employees ought to be afforded protections (that are not granted to other categories of employees) due to the unique nature of their public positions.

For further information contact: Colleen M. Murphy, Executive Director and General Counsel or Mary Schwind, Managing Director and Associate General Counsel, at (860) 566-5682.